



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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February 2009 IDEM Emergency CAFO Rule Provisions

Purpose of Emergency Rule Effort:

To expeditiously update fast approaching application, NRCS 590, and Soil Conservation Practice Plan compliance deadlines in current Indiana CAFO rules to mirror recently changed EPA requirements.

What Will Change Under the Emergency Rule:

1. Application Deadlines:

For farms that have exemptions or that are newly defined CAFOs, the emergency rule requires them to submit an application for an NPDES permit by 2/27/2009 only if they discharge or propose to discharge. Current rule requires submittal of application by 2/27/2009 for all farms with exemptions and that are newly defined CAFOs.

2. NRCS 590:

For farms that are not new sources (initially permitted **before** 2/13/2003) and that discharge or propose to discharge, the emergency rule will require those farms to adjust land application rates to conform to the NRCS 590 standard by 2/27/2009. The current rule requires all farms that are not new sources to adjust land application rates to conform to the NRCS 590 by 2/27/2009.

3. Soil Conservation Practice Plan:

Farms that are not new sources (initially permitted **before** 2/13/2003) and that discharge or propose to discharge must complete and implement SCPPs by 2/27/2009. The current rule requires all farms that are not new sources to complete and implement SCPPs by 2/27/2009.

What Won't Change Under the Emergency Rule:

1. Application Deadlines:

All new source (initially permitted **after** 2/13/2003) CAFOs, proposed CAFOs, or AFOs and CFOs that increase the number of animals as a result of construction such that they become a CAFO must still submit a NPDES CAFO permit application. CAFOs that have exemptions must still seek permit coverage if they transfer ownership, discharge, or perform construction. All current CAFO permit holders that are large CAFOs must maintain/renew their NPDES CAFO permits during the emergency rule period. Any other facilities that meet the definition of either a large or medium CAFO and have a discharge must also seek a NPDES CAFO permit.

2. NRCS 590:

As required by 327 IAC 15-15-12(e), new sources (initially permitted **after** 2/13/2003) as of the date of permit coverage must conform to the NRCS 590 standard.

3. Soil Conservation Practice Plan:

As required by 327 IAC 15-15-11, new sources (initially permitted **after** 2/13/2003) are required to complete and implement SCPPs as of the date of permit coverage and before any land application event.

Farms that are not new sources (initially permitted **after** 2/13/2003) are still required by 327 IAC 15-15-14 to complete and implement SCPPs for any acreage used for snow covered or frozen ground land application.

4. Individual NPDES CAFO Permits:

Changes made in the emergency rule effort will not affect any requirements contained within any current individual NPDES CAFO permit.

Who is Affected by the Emergency Rule:

178 CAFOs - No impact. These are new CAFO farms permitted after February 13, 2003.

336 CAFOs - These farms were permitted for initial construction prior to February 13, 2003.

How Will They be Affected?

This group of currently permitted farms will not have to implement land applying manure with phosphorus as a limiting factor. This group will also not have to implement a SCPP, unless they are performing surface application on frozen or snow covered ground.

131 CAFOs - These farms are currently operating under a CFO Approval (farms with exemptions, newly defined, pending voidance, or pending CAFO application).

How Will They be Affected?

This group of farms operating under a CFO approval and requirements of the CFO regulation will not have to seek a NPDES CAFO permit and do not comply with the CAFO regulations, including land applying manure with phosphorus as a limiting factor and implementing a SCPP.